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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,643	07/15/2004	Richard Julius Gozdawa	P/7214	2477
23334 7590 03/20/2007 FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI & BIANCO P.L. ONE BOCA COMMERCE CENTER 551 NORTHWEST 77TH STREET, SUITE 111 BOCA RATON, FL 33487			EXAMINER WEINSTEIN, LEONARD J	
			ART UNIT	PAPER NUMBER
			3746	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/20/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

ED

Office Action Summary

Application No.

10/501,643

Applicant(s)

GOZDAWA, RICHARD JULIUS

Examiner

Leonard J. Weinstein

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-25 and 28-30 is/are rejected.
- 7) ☒ Claim(s) 26,27,31 and 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

1. The disclosure is objected to because of the following informalities: all thesection headings do not appear in upper case without underling or bold type within the body of the disclosure. Further the section heading "DETAILED DESCRIPTION OF THE OF THE INVENTION" is not included in the specification.

2. The disclosure is objected to because of the following informality: on line 9 of page 1 the date referenced for the foreign application to which the applicant clams priority is incorrect.

Appropriate correction is required.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show reference numeral 306, the "stator" of the embodiment in figure 3, as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

4. The drawings are objected to because the elements designated by reference numerals L1 and L2 in figures 3 and 6 do not clearly define "pipes" as recited in the disclosure.

5. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

6. Claims 26-27 and 31-32 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is

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required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims 26-27 and 31-32 are dependent upon claims that have been canceled by the applicant's amendment, accordingly the claims will not be further treated on the merits.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 12-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Claim 12, which claims 13-32 are dependent upon, recites the limitation "an auxiliary compressor" in line 16. There is insufficient antecedent basis for this limitation in the claim.

10. The term "essentially" in claims 24-25 is a relative term which renders the claim indefinite. The term "essentially" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The degree to which a path for a gas constitutes a "closed circuit" cannot be determined from the limitation as claimed.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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12. Claims 12-14, 16, 18, 20, 22, 24-25, and 30 are rejected under 35 U.S.C. 102(a) as being anticipated by the publication Grant GB 2,362,901 of the application 0012449.4 filed in the United Kingdom and now US Patent 6,601,651. Grant teaches all the limitations as substantially claimed for a compressor to assist in extracting gas from a reservoir including: at least one casing 14, at least one rotor 54 mounted within the casing 14, figure 2, at least one electric motor, 30 as recited in the disclosure not as shown in figure 2, for driving the rotor 54 having a stator with windings mounted in the casing 14 and an armature formed as part of the rotor 54 (pg. 8 ll. 12-14), one or more gas bearings, elements 56-57, supporting the rotor 54 for rotation relative to the stator (pg. 8 ll. 14-17), the gas bearings being arranged at an upstream end 57 and a downstream end 56 thereby arranged at opposite ends of the motor 30, a bladed impeller wheel, area below element 60 of element 32 (pg. 8 ll. 4-8), for compressing a production of gas from a reservoir 10 which is mounted on an overhanging end, area below element 58, of the rotor 54 that projects beyond the gas bearing 57 at one end of the motor 30, such that all the gas bearings, elements 56-60, of an compressor 32 and of the electric motor 30 are arranged on a same side of the bladed impeller wheel, area below element 60 of element 32, and during operation, the gas flows over to cool the electric motor 30 (pg. 8 ll. 14-16); a rotor being formed hollow, element 148 in the embodiment of figure 3; a bladed impeller wheel, area below element 60, arranged at an upstream end of the rotor 54, an auxiliary compressor 54 mounted on a downstream end of the rotor 54 and drawing the gas from a downstream of a main compressor, elements 30 and 32, and serving to supply the gas after further pressurization to the bearings (pg. 7 ll. 17-26) of the rotor 54; wherein the auxiliary compressor 42 is also an axial compressor; wherein the auxiliary compressor 42 is a centrifugal compressor, as element 42 is in communication with (pg. 7 ll. 17-26) the centrifugal separator

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as claimed in claim 38 of Grant; a purifier 38 is provided in an intake, figure 2, of the auxiliary compressor 42; wherein gas pressurized by the auxiliary compressor 42 is discharged into an axial flow of produced gas after passing through the bearings, elements 56-60; and a means for transferring heat from the gas discharged from the bearings, elements 56-60, to the axial flow of the gas and for recycling a cooled gas to the intake of the auxiliary compressor 42, whereby the gas supply to the bearings, elements 56-60, flows through (pg. 11 ll. 13-19) a circuit; and a plurality of additional compressors, elements 232 (a, b, and c), arranged in tandem, as disclosed in lines 1-4 on page 11, at different heights along a bore hole of a well, figure 4, with an auxiliary compressor 42.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

15. Claims 15, 17, 19, 21, 23, and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grant GB 2362901 in view of Conry 5,857,348. Grant teaches all the claimed limitations as discussed but fails to teach the following limitation that is taught by Conry for a

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compressor including a main compressor 19 and an auxiliary compressor 18 both being overhung and having all the bearings, elements 23, 24, and 26, of the compressor situated axially between them. It would have been obvious to of ordinary skill in the art to modify the component auxiliary compressor of a downhole gas compressor to be overhung and disposed on a rotor shaft to provide an efficient oil-less compressor system (Conry col. 2 ll. 9-21).


Conclusion

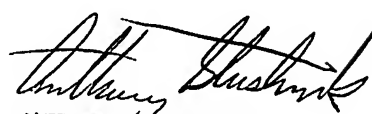
16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are cited on form 892 herewith.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard J. Weinstein whose telephone number is 571-272-9961. The examiner can normally be reached on Monday - Thursday 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

 03/17/2007
LJW


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